

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED
To: C'ville
MAY 03 2006
JOHN F. CORCORAN, CLERK
BY: J. Parker
DEPUTY CLERK

JUNE B. HENSON,

Plaintiff,

v.

JO ANNE B. BARNHART, COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

CIVIL ACTION No. 3:05-CV-00042

ORDER

JUDGE NORMAN K. MOON

By standing order of the Court, this case was referred to the Honorable B. Waugh Crigler, United States Magistrate Judge, for proposed findings of fact and a recommended disposition pursuant to 28 U.S.C. §§ 636(b)(1)(B) & (C). The Magistrate filed his Report and Recommendation ("Report") on April 3, 2006, recommending that this Court enter an order reversing the final agency decision and remanding the case to the Commissioner for further proceedings at the final two levels of sequential evaluation. The Report further noted that if the Commissioner is unable to grant benefits in whole or in part on the extant record, she shall recommit the case for further proceedings before a Law Judge in which both parties would be entitled to introduce additional evidence.

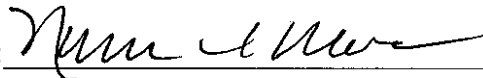
After a review of the record in this case, and no objection having been filed to the Magistrate Judge's Report within ten (10) days of its service upon the parties, this Court adopts the Magistrate Judge's Report in its entirety.

Accordingly, it is this day ORDERED that the Report and Recommendation of the United States Magistrate Judge filed April 3, 2006, is ADOPTED in its entirety. The Commissioner's March 13, 2006 Motion for Summary Judgment is hereby DENIED, and Plaintiff's February 5, 2006 Motion for Summary Judgment is GRANTED. The Commissioner's decision denying benefits is REVERSED and REMANDED for further proceedings consistent with the Magistrate's Report pursuant to 42 U.S.C. § 405(g) .

This case is dismissed and stricken from the docket of the Court.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record.

ENTER:



U.S. District Court Judge

DATE:

